

DETAILED ACTION

Prosecution History Summary

Claims 3-5 and 11-23 have been cancelled.

Claims 1-2, 6-10, and 24-25 are pending and allowed.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nathan Elder on 6/15/2010. The application has been amended as follows:

In the Title

The title has been amended to read as follows:

--Method for reposting a good for sale using a consignment node--

In the Claims

1. (Currently Amended) A method for re-posting a good for sale creating a computerized market for used goods and collectibles using a consignment node computer[[,]] a database and at least one a plurality of participant terminal[[s]] comprising the steps of:

posting a used or collectable good on using a market maker computer consignment node computer by creating a data record for said good, the data record having an item identification information for said good and an offer price of said good;

displaying data related to said good on a participant terminal in response to a participant request from said participant terminal to display said data record information on said participant terminal;

receiving an offer to buy said good from said participant using said participant terminal;

receiving, from said participant using said participant terminal, a selection indicating to transfer electronic ownership of the good to the participant and post a new offer defined by the participant, said new offer including a new offer price; receiving as part of an order to buy said good a selection indicating ownership of said good is to be transferred from a first owner to a second owner and said good is to be offered at a new price;

processing the order to buy said good from said participant terminal by

transferring ownership of said good by said consignment node computer from the first owner to said participant by changing an ownership entry in the data record of said good -the second owner, and

changing said ~~data record~~ offer price of said good to reflect the said new offer price as defined by said participant, wherein only said offer price is changed as part of said new offer from said second owner without modifying the item identification information; and

~~re-posting~~ posting said good ~~on~~ at a consignment node computer selected by said participant, said good re-posted at said new offer price ~~said market maker computer at said second owner offer price~~.

2. (Currently Amended) The method of claim 1 further comprising the step of: clearing the transfer of ownership of said used good ~~in said step of processing~~ by debiting an account of said participant second owner.

6. (Currently Amended) The method of claim 1 further comprising the step of: electronically presenting a good from a first computerized market to a second computerized market for goods by transferring said data record ~~created in said step of posting a good for sale~~ from said first computerized market to said second computerized market.

7. (Currently Amended) The method of claim 1 further comprising the step of: automatically paying a commission to said computerized market from said transfer of ownership of said good by said computerized market deducting said commission from said purchase price paid to said seller.

8. (Currently Amended) The method of claim 1 further comprising the step of:
creating a data record of said step of transferring ownership of said good in said step of
processing an order and storing said data record on a storage device.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Upon review of the evidence at hand, it is hereby concluded that the evidence obtained and made of record, alone or in combination, neither anticipates, reasonably teaches, nor renders obvious the below noted features of applicant's invention as the noted features amount to more than a predictable use of elements in the prior art. The allowable features are as follows:

"receiving, from said participant using said participant terminal, a selection indicating to transfer electronic ownership of the good to the participant and post a new offer defined by the participant, said new offer including a new offer price;

transferring ownership of said good by said consignment node computer to said participant by changing an ownership entry in the data record of said good; and

re-posting said good at a consignment node computer selected by said participant, said good re-posted at said new offer price"

The most felicitous prior art made of record includes Nahan and PTO 892 V. Nahan teaches a computerized market for posting information regarding collectable goods and processing orders for those goods. Though teaching an item history, the item history including previous prices paid for the item and an updated item record, Nahan does not teach receiving a selection to transfer electronic ownership of the good, nor does Nahan provide for an indication to post a new offer defined by the participant, said new offer including a new offer price.

In the same field of endeavor, PTO 892 V discusses the advent of speculation in art auctions and, more importantly, teaches where it is known in the art industry for speculators to buy large holdings of art for a quick profit, often times raising the prices and reselling the works because of strong demand. In other words, PTO 892 V teaches purchasing an item at one price and *offering the item for sale at a new offer price*. Though conceptually PTO 892 V teaches a similar concept to the claimed subject matter, such teachings are not tantamount to indicating transfer of *electronic ownership*. Further, even assuming *arguendo* that a transfer of ownership has occurred, neither Nahan nor PTO 892 V provide for transferring ownership of said good by *said consignment node computer* to said participant by *changing an ownership entry in the data record of said good*.

Lastly, although Nahan alludes to an item history including multiple sales of an item, and PTO 892 V teaches the sale and resale of an item, neither reference provides the actual re-posting of said good *at a consignment node computer selected by said participant*. Nor is there an explicit teaching that *only said offer price is changed as part of said new offer*.

In addition to the above, the Examiner emphasizes the interrelation of the above distinguishing elements with the remainder of each respective claim element. Moreover, none of the evidence at hand teaches or suggests the combination of features claimed, nor does there exist an appropriate rationale for further modification of the evidence at hand. To the contrary, when taken as a whole, the combination of features claimed is not taught or suggested by, nor otherwise rendered obvious over the evidence obtained throughout prosecution of the application because any combination of the evidence at hand would only result from a substantial reconstruction of Applicant's claims using improper hindsight.

It is hereby asserted by the Examiner that, in light of the above and in further deliberation over all of the evidence at hand, that the claims are allowable as the evidence at hand does not anticipate the claims and does not render obvious any further modification of the references to a person of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. ALLEN whose telephone number is (571)272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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